



Federal Update for March 2 - 6, 2015



Afghanistan/Iraqi Campaign Medals Update ► OFS Extension

The Pentagon will extend the Afghanistan Campaign Medal for troops currently serving there, despite the official end of the 13-year war. Defense officials said 19 FEB that the current phase of the Afghanistan War, known as Operation Freedom's Sentinel (OFS), is now a qualifying operation for award of the Afghanistan Campaign Medal. The phase of the war known as Operation Enduring Freedom technically ended on Dec. 31. The new mission does not involve U.S. troops in direct combat operations and instead limits their mission to advising and assisting the Afghan forces and potentially some targeted counterterrorism missions. About 10,000 U.S. troops are in Afghanistan. The military mission there is slated to end by December 2016. Service members should contact their military departments for additional information, defense officials said.

The qualifying Afghanistan Campaign Medal operations, campaign phases, and associated inclusive dates for each are as follows:

Operations:

- Enduring Freedom (Afghanistan) Sept. 11, 2001 to Dec. 31, 2014.
- Freedom's Sentinel Jan. 1, 2015 to present.

Campaign Phases:

- Liberation of Afghanistan Sept. 11, 2001 to Nov. 30, 2001.
- Consolidation I Dec. 1, 2001 to Sept. 30, 2006.
- Consolidation II Oct. 1, 2006 to Nov. 30, 2009.
- Consolidation III Dec. 1, 2009 to June 30, 2011.
- Transition I July 1, 2011 to Dec. 31, 2014.
- Transition II Jan. 1, 2015 to present.

[Source: MilitaryTimes | Andrew Tilghman | Feb. 19, 2015 ++]

DECA Budget Cuts Update ► ALA Opposed to 2016 Commissary Cuts

The Defense Department's fiscal 2016 budget request would slash taxpayer support of base grocery stores by \$322 million in 2016 and by \$1 billion next year, enough to "destroy" the shopping benefit, warns the American Logistics Association. ALA, which represents manufacturers, distributors and brokers of products sold in commissaries and base exchanges, released a position paper that contrasts DoD's plan to "wreck" commissaries with less onerous recommendations of a blue-ribbon panel to consolidate all base store operations to gain efficiencies.

That would seem to leave Congress with an easy choice. But the Army and Air Force Exchange Service warns in its own position paper that the store consolidation path laid down by the Military Compensation and Retirement Modernization Commission won't produce the savings it touts. AAFES says requiring the three exchange services, including Navy and Marine Corps store systems, to merge with Defense Commissary Agency (DeCA) into a new Defense Resale Activity would add near-term costs of \$466 million, which wouldn't be recouped through efficiencies for "85 years." That is no typo. AAFES says the commission's plan to integrate four "companies" that provide shopping discounts on base could take six to nine years to execute. Meanwhile, it says, AAFES stores alone would suffer "lost improvements" over that span of \$45 million to \$80 million a year.

On the commission idea that exchange profits be used to fund commissary and other store operations that historically have been backed by defense appropriations or tax dollars, AAFES warns it lower or eliminate exchange "dividends" which for decades have paid for base morale, welfare and recreational activities such as gymnasium and libraries. Analysts at the Pentagon are studying whether to recommend replacing or modifying DeCA budget plans based on the commission's report. Other commission ideas also would have unintended consequences, AAFES says. For example, trying to preserve shopper savings at commissaries by allowing base grocers to sell items now sold only in exchanges would "cannibalize exchange sales, earnings and MWR dividends."

AAFES cites studies showing that up to 60 percent commercial store mergers "destroy or fail to create value as expected." Such mergers typically save the equivalent of a third of one percent of sales. AAFES warns to expect even less savings from consolidating military systems, which have no brands to merge, no tax relief to gain and no unprofitable stores to eliminate. And yet the military resale industry nearly howls with delight at the consolidation idea versus DoD's budget plan to gut commissary funding. "The President's own Commission report stands in stark contrast to the President's own 2016 budget" which "would destroy these valuable benefits," ALA argues. "The Commission seeks to sustain these benefits and calls for management efficiencies to be implemented instead of diminishing the savings that patrons now realize."

One commissioner, retired Air Force Lt. Col. Michael Higgins who served an even longer second career as professional staff on compensation for the House Armed Services Committee, warned in testimony this month that commissaries will remain under attack if operations aren't

consolidated. “There should be no illusions that DOD is not going to come after commissary money year after year after year...You are going to have a very difficult time here in the Congress protecting commissary funding. That means services are going to erode.” The commission seeks to preserve the sale of groceries on base at cost-plus-a-five-percent surcharge, Higgins said. But if store hours drop and days that stores are open are cut, he warned, commissary shoppers will go elsewhere and “the exchanges are going to take a terrible hit.” “We need to reform [to] a single manager” to be able “to negotiate deals that protect MWR funding. We can do that,” Higgins told Congress.

The president’s budget goes down the path he warns against. It reflects the Joint Chiefs of Staff desperate search for budget trims to help stay a freefall in readiness from the mindless cost-cutting formula of sequestration. Congress adopted sequestration in 2011 and has lacked the courage to repeal it by reaching a compromise that will both slow spending on entitlements and close tax loopholes for the wealthy and special interests. Commissary funding, in this environment, is a ripe plum to pick. The defense budget request would do so in stages, explained Joseph Jeu, DeCA’s director, in a budget memo drafted for an under secretary of defense.

- First, DeCA would lower its \$1.4 billion budget by \$183 million through administrative actions, saving \$29.5 million by cutting store hours; \$4.5 million by closing stores on holidays; \$58.2 million by reducing days stores are opened and \$18.8 million by cutting staff.
- Store staffs would be cut by an average of six employees next year. The number of days commissaries open would be cut a day or two per week across 183 locations. If a base would want to keep its store open longer than DeCA proposes, it would have to find the money in its own budget.
- DOD proposes securing an additional \$139 million in DeCA savings next year through legislation. It seeks authority to raise prices enough to pay the cost of shipping products to stores overseas. It also wants a change in law so DeCA can pay for store supplies from surcharges collected at checkout. This presumably would lower the amount of money available to maintain commissaries and to build new ones.
- The \$1 billion cut to DeCA in 2017 would force most stateside stores to become self-sustaining, which would mean deep cuts to shopper discounts. Commissaries also would have to sell items they cannot today, including beer and wine, gift cards and greeting cards, which would put exchange profits at risk. DeCA also would have to advertise heavily, budget documents explain, to be able to persuade patrons that shopping on base still has value.

This same legislative package was proposed last year and Congress ignored it. Without sequestration relief, it will be harder to ignore this year. [Source: Stars and Stripes | Tom Philpott | Feb. 19, 2015 ++]

POW/MIA Update ► Remains Recovery Team Dispatched to Koh Tang

The newly established Defense POW/MIA Accounting Agency (DPAA) has dispatched a remains recovery team to the Cambodian island of Koh Tang, where three Marines were left behind following the final battle of the Vietnam War. The excavation site is believed to hold the remains of Lance Cpl. Joseph Hargrove, Pfc. Gary Hall or Pvt. Danny Marshall, according to official documents from DPMAA's predecessor, the Joint Prisoners of War, Missing in Action Accounting Command. The three-man gun team was left behind in the confusion of a troop withdrawal following a brutal May 15, 1975, battle between about 200 U.S. Marines and entrenched Cambodian Khmer Rouge soldiers in what became known as the "Mayaguez Incident." The dig began 14 JAN and is expected to run through the end of March.

The location of excavation site has not been made public, but it's likely to be one of two areas where the heaviest fighting occurred. In 2013, a seven-member JPAC investigation team spent a week on the island's east and west beaches. Months later, JPAC told Stars and Stripes that the team did find enough evidence to bring one site before the administrative body that decides whether to allocate funds for a dig. A recovery operation, such as the one ongoing on Koh Tang, means that the site was approved by the board, and the likelihood of finding remains is high. Officials have declined numerous requests from Stars and Stripes for information related to the excavations. "This is an ongoing mission and details can't be discussed at this time," DPMAA spokeswoman Lt. Col. Melinda Morgan said. However, the Defense POW/Missing Personnel Office has declassified some of the documents since the investigative dig occurred. Heavily redacted copies are housed in Texas Tech University's Vietnam War archives.

According to a document dated November 2013, investigators found a water well where former Khmer Rouge soldiers claimed they killed and buried an American soldier after the battle. Any American remains found there would likely belong to Hargrove, because most accounts say that Hall and Marshall were taken to the mainland and executed. In addition to Hargrove, Hall and Marshall, two other servicemembers remain missing from the battle. Lance Cpl. Ashton Loney's body was left behind on west beach in the haste of the withdrawal, and former combatants claimed he was buried on the beach. There is no public record of his body being recovered, or his remains identified. Air Force Staff Sgt. Elwood Rumbaugh was lost at sea near a downed helicopter. Although that site has been located, according to the Texas Tech documents, it was not explored at the time due to inclement weather. No other recovery operations have been announced.

In May 1975, Khmer Rouge forces captured the SS Mayaguez, an American container ship, several nautical miles off the coast of the Cambodian island of Poulo Wai. It didn't take long for President Gerald Ford to authorize a rescue operation. In the one-day battle that followed, 38 U.S. servicemembers were killed and approximately 50 were wounded. The ship and crew were released shortly thereafter. Immediately after the battle, when it became apparent that

Hargrove, Hall and Marshall were unaccounted for, Navy SEALs and Marines asked to make a rescue attempt for the missing but were denied. U.S. Navy ships were recalled from the area, closing the chapter on U.S. involvement in Southeast Asia. While accounts of enemy combatants differ, most say that Hargrove was captured on Koh Tang and executed. Hall and Marshall were taken to the mainland and executed there.

Since the early 1990s, documents show that JPAC investigators have excavated sites, both on the mainland and on Koh Tang, and have collected numerous fragments and sets of remains, including as recently as 2008. During an excavation in 2008, a set of remains that was unearthed was determined to likely be Caucasian, according to Charles Ray, former ambassador to Cambodia and deputy assistant secretary of defense for POW/Missing Personnel Affairs. JPAC documents state four samples were sent for analysis. It's not made clear in the documents if the samples are something as small as bone fragments or as large as full sets of remains. No results from any of the excavations on Koh Tang and subsequent analysis have been made public.

Members of Hargrove's family hope his remains soon will be returned. "By them being on the island, I hope it is a good sign that we will be receiving Joseph's remains soon," said Hargrove's cousin, Cary Turner. "I'll keep praying they will do the right thing and send Joseph home." But, the time to recover the remains is running short. A Russian consortium leased the island from the Cambodian government in 2008, and construction has already begun on what will one day be a casino, resorts, a seven-hotel complex and luxury villas aimed at drawing 300,000 tourists annually from China, Korea and Japan. "POW/MIA investigators will lose access to the island once the investment company moves in full-time to develop the resort," an accounting document from March 2013 said. "A Cambodian POW/MIA committee member emphasized the urgency of conducting Tang Island investigations as soon as possible." [Source: Stars and Stripes | Matthew M. Burke | Feb. 12, 2015 ++]

POW/MIA Recoveries

"Keeping the Promise", "Fulfill their Trust" and "No one left behind" are several of many mottos that refer to the efforts of the Department of Defense to recover those who became missing while serving our nation. The number of Americans who remain missing from conflicts in this century are: World War II (73,515) Korean War (7,855), Cold War (126), Vietnam War (1,656), 1991 Gulf War (5), and Libya (1). Over 600 Defense Department men and women -- both military and civilian -- work in organizations around the world as part of DoD's personnel recovery and personnel accounting communities. They are all dedicated to the single mission of finding and bringing our missing personnel home. For a listing of all personnel accounted for since 2007 refer to <http://www.dpaa.mil/> and click on 'Our Missing'. If you wish to provide information about an American missing in action from any conflict or have an inquiry about MIAs, contact:

- Mail: Public Affairs Office, 2300 Defense Pentagon, Washington, D.C. 20301-2300, Attn: External Affairs

- Call: Phone: (703) 699-1420
- Message: Fill out form on <http://www.dpaa.mil/Contact/ContactUs.aspx>

Family members seeking more information about missing loved ones may also call the following Service Casualty Offices: U.S. Air Force (800) 531-5501, U.S. Army (800) 892-2490, U.S. Marine Corps (800) 847-1597, U.S. Navy (800) 443-9298, or U.S. Department of State (202) 647-5470. The remains of the following MIA/POW's have been recovered, identified, and scheduled for burial since the publication of the last RAO Bulletin:

Vietnam

- Capt. David Chorlins U.S. Air Force 602nd Special Operations Squadron, 34th Tactical Group 1/11/1970 Laos He was accounted for Jan. 17, 2015. He will be buried with full military honors.

Korea

- Cpl. Robert Higgins U.S. Army Battery C, 15th Field Artillery Battalion, 2nd Infantry Division 2/13/1951 South Korea He was accounted for Jan. 6, 2015. He will be buried with full military honors.
- Sgt. 1st Class Donald R. Strum U.S. Army Company C, 19th Infantry Regiment, 24th Infantry Division 11/4/1950 North Korea He was accounted for Jan. 13, 2015. He will be buried with full military honors.
- Cpl. Lindsey C. Lockett U.S. Army Medical Detachment, Headquarters Battery, 503rd Field Artillery Battalion, 2nd Infantry Division 12/1/1950 North Korea He was accounted for Jan. 26, 2015. He will be buried with full military honors.
- Sgt. Floyd J.R. Jackson U.S. Army Headquarters Company, 3rd Battalion, 31st Infantry Regiment, 7th Infantry Division 12/12/1950 North Korea He was accounted for Jan. 27, 2105. He will be buried with full military honors.
- Sgt. Arnold V. Andring U.S. Army Company L, 3rd Battalion, 9th Infantry Regiment, 8th Army 2/4/1951 North Korea He was accounted for Jan. 28, 2015. He will be buried with full military honors.

World War II

- 2nd Lt. Alvin Beethe U.S. Army Air Forces 393rd Fighter Squadron, 367th Fighter Group, 9th Air Force 11/26/1944 Germany He was accounted for Jan. 28, 2015. He will be buried with full military honors.
- 2nd Lt. Stephen V. Biezis U.S. Army Air Forces 575th Bombardment Squadron, 391st Bombardment A group burial service March 18 at Arlington National Cemetery will honor 12 World War II crew members lost when their bomber was shot down in the South Pacific Theater more than 70 years ago.

The Defense POW/MIA Accounting Agency announced 23 FEB that the remains of the following airmen have now been accounted for and are being returned to their families:

- 1st Lt. William D. Bernier of Augusta, Montana.
- 1st Lt. Bryant E. Poulsen of Salt Lake City.

- 1st Lt. Herbert V. Young Jr. of Clarkdale, Arizona.
- Tech Sgt. Charles L. Johnston of Pittsburgh.
- Tech Sgt. Hugh F. Moore of Elkton, Maryland.
- Staff Sgt. John E. Copeland of Dearing, Kansas.
- Staff Sgt. Charles J. Jones of Athens, Georgia.
- Sgt. Charles A. Gardner of San Francisco.

The airmen took off from Texter Strip, Nazdab Air Field, New Guinea, on April 10, 1944, on a mission to attack a Japanese anti-aircraft site at Hansa Bay in New Guinea's Madang Province, according to a Defense Department news release. Four managed to parachute from the ill-fated B-24D Liberator when it took on fire, but they reportedly died in captivity. The others were reported missing. Five years later, the Army Graves Registration Service recovered the remains of three of the airmen but concluded the other nine were unrecoverable. More than half a century passed. Then in 2001, a U.S.-led team found the wreckage of a B-24D with the missing bomber's tail number. "After several surveys, DoD teams excavated the site and recovered human remains and nonbiological material evidence," the news release said. Scientists from the Defense POW/MIA Accounting Agency used circumstantial evidence and forensic identification tools, including mitochondrial DNA, to identify six of the airmen – Jones, Johnston, Gardner, Young, Moore and Bernier, according to the news release. "To account for Poulsen and Copeland, scientists from DPAA used circumstantial evidence that placed them on the aircraft and accounted for as them as part of the group," the release said. Young, Moore and Gardner were buried last year with full military honors. Jones will be laid to rest in his hometown on Feb. 28; Johnston at Arlington on March 2. The group burial service honoring Bernier, Poulsen, Copeland and the other crew members will follow March 18. Gardner's brother, Theodore Gardner, told Air Force Times in December he remembered the day their father received a telegram stating that Gardner was missing in action. It was one of the few times Theodore Gardner ever saw his father cry, he said. "We just had to accept the news and pray that he would be found," he said. Gardner's burial at Arlington Dec. 4 was an answer to that prayer at long last. Group, 9th Air Force 12/23/1944 Germany. He was accounted for Feb. 3, 2015. He will be buried with full military honors. [Source: <http://www.dpaa.mil> | Feb. 27, 2015 ++]

VA SSVF Program Update ► \$300M Available for Homeless

Building on President Obama's commitment to end Veteran homelessness, the Department of Veterans Affairs (VA) is announcing the availability of another \$300 million in grants to non-profit organizations and other groups that serve Veterans through VA's Supportive Services for Veteran Families (SSVF) program. The SSVF program assists very low-income Veteran families who are homeless or at risk of becoming homeless. The \$300 million grants are available to current grantees seeking renewals.

Announcement of the grants comes on the heels of the January agreement that dedicates the West Los Angeles VA campus to serving veterans in need, and commits the Department to design a plan to help end homelessness among Veterans in Los Angeles County. Additionally, a nationwide homeless 2015 Point in Time (PIT) Count took place last month, in which VA Secretary Robert A. McDonald and other VA officials spread out around the country to identify homeless Veterans. Last year's PIT Count revealed that 49,993 Veterans were homeless on a single night representing a 33-percent decline in homelessness among Veterans since 2010. VA relies on strong, targeted collaborations in key areas at Federal and local levels and engages community partners to develop innovative and forward-thinking solutions that can lead to scalable and replicable models of service.

FY 2014 alone, through VA's various homeless programs, nearly 70,000 Veterans and their family members were placed in permanent housing or prevented from becoming homeless under the SSVF program VA's goal is to end Veteran homelessness by the end of 2015.n“One of the things you learn in the Army is you never leave a soldier behind,” said Secretary McDonald. “Unfortunately, we’ve left some people behind, and they’re our homeless Veterans. VA is committed to achieving the goal of ending Veteran homelessness, and we won’t rest until every homeless Veteran has a place to call home.” VA most recently announced awards totaling \$507 million in SSVF grants. Those funds included targeted support for 56 high-priority communities. VA is currently preparing to award an additional \$93 million in SSVF funds for high-priority communities. The Federal Register notice of funding availability may be found at http://www.va.gov/HOMELESS/ssvf/docs/SSVF_NOFA_Feb3.pdf. For more information about VA's homeless programs, visit <http://www.va.gov/homeless>. Additional information about the SSVF program may be found at www.va.gov/homeless/ssvf.asp. [Source: VA News Release | Feb. 13, 2015 ++]

VA Vet Choice Program Update ► Senator Coalition Urges Fix

A bipartisan coalition of 41 senators is pressing Veterans Affairs Secretary Robert McDonald to remedy the implementation of a program that allows veterans to seek private medical care. The effort, often called the "choice card," allows veterans to seek medical care at non-VA providers, if they live more than 40 miles from an agency facility or if they cannot get a doctor's appointment within 30 days. The program was a cornerstone of legislation Congress approved last summer to overhaul the VA — with lawmakers allocating \$10 billion for the effort — after a months-long scandal over patient wait times that were linked to a series of deaths. The VA is “construing the eligibility criteria as it relates to the 40-mile rule so narrowly that it is excluding too many who are far away from the care that they need,” the group — lead by Senate Armed Services Committee John McCain (R-AZ) — wrote 25 FEB in a letter to McDonald.

They charged that while the department has sent out 8.5 million cards, only 0.37 percent of veterans who received them have been authorized to seek private healthcare. Senators said the

VA “does not consider the type of care available within 40 miles of where a Veteran lives” and measures the distance “‘as the crow flies’ and not the actual distance that the veteran would have to travel.” “Given the clear intent of Congress to reduce barriers to care, it is perplexing that the VA is not using its authority to allow non-VA care for those who face a geographic challenge in accessing care, including long drive times or health conditions that make travel difficult,” the group wrote. The group reminded McDonald he has the authority to modify how the program’s distance criteria is calculated and urged him to do so “without delay.”

Senators also said they were “dismayed” over a provision in the administration’s fiscal 2016 VA budget request that would allow McDonald to funnel money away from the program. “It is deeply disturbing that the administration would try to reduce funding for this program before this program has even been allowed to work — being in existence for only a few short months — and as barriers to care continue to exist.” They asked him to “stop any attempt to propose a reallocation of funds designed to kill the choice card program in its infancy.” The missive is the latest in a rough week for McDonald. On Tuesday he had to apologize for misstating that he had served in special forces, a false claim that has put him on thin ice with Capitol Hill and veterans groups. [Source: The Hill | Martin Matishak | Feb. 25, 2015 ++]

VA Accountability Update ► Problem Employee Firings Decrease

Of the 900 Veterans Affairs Department employees fired in the past seven months, only eight have been dismissed for their connection to wait time problems that were at the center of a nationwide scandal last year, according information provided to Congress. That small percentage casts doubt on the assertion by VA officials that they're doing a better job of holding individuals accountable for past failures. In a "Meet the Press" appearance this week, VA Secretary Bob McDonald insisted that leadership is making "fundamental changes" in operations to help rebuild public trust in the wake of last year's scandals, including punishing employees who fail at their jobs. "Nine hundred people have been fired since I became secretary," he said. "We've got 60 people that we fired who have manipulated wait times. We've got about 100 senior leaders who are under investigation. ... So we're holding people accountable." But VA officials later clarified that about 60 employees have faced some type of discipline for actions related to the records errors, including short suspensions and letters of reprimand.

The 900 fired in seven months for any reason appears to represent a slowdown within VA, which has more than 300,000 employees. Congressional testimony from VA leaders last spring indicated that 2,000 to 3,000 individuals are fired each year from the department for a range of infractions. VA officials this week said those numbers may have been compiled differently, and that the 900 number comes mostly from dismissed Veterans Health Administration workers and represents "an environment of sustainable accountability" within VA. They also said that 91 percent of VA medical facilities have installed new leadership teams since June, a dramatic

turnover in the wake of last year's problems. And McDonald has mandated that every VA employee "reaffirm their commitment to the mission and core values of the department" each year moving ahead, in an effort to better emphasize expectations of performance.

But the secretary — confirmed by the Senate in July — also has faced repeated criticism from lawmakers that he has not done enough to purge problem employees from VA's ranks, particularly after Congress passed new legislation last summer on the topic. In a statement Tuesday, Paralyzed Veterans of America Deputy Executive Director Sherman Gillums Jr. called the figure of 900 dismissals encouraging but added that "provoking real change may take firing 9,000 employees, particularly the hardliners who believe 'this too shall pass' in response to calls for sweeping changes and greater accountability in VA." But he also praised McDonald's efforts so far, saying his group has seen "incremental changes" within the department. House Veterans' Affairs Committee Chairman Jeff Miller (R-FL) called the firing numbers upsetting. "Though VA leaders have begun to stress the importance of accountability — something department officials almost never did in the past — instilling a climate of accountability at VA will only be achieved through actions, not words," he said. "The fact that VA firings have actually decreased amid the biggest scandal in the department's history is a troubling development VA leaders must explain and remedy." [Source: MilitaryTimes | Leo Shane | Feb. 18, 2015 ++]

VA Needs Based Programs ► Proposed Regs | 3-yr Look Back

The Department of Veteran Affairs (VA) has announced proposed regulations that will affect needs-based programs such as Pension and Aid and Attendance for older veterans and their surviving spouses. The VA claims that the proposed changes are the result of a 2012 Government Accountability Offices (GAO) report.

This report recommended changes in the VA needs based programs to “to maintain the integrity of VA’s needs-based benefit programs.” The VA itself says another reason for the new rules is to “reduce opportunities for attorneys and financial advisors to take advantage of pension claimants.” The programs targeted by these new rules are low income pension, homebound pension, and Aid and Attendance. These benefits may be available to a veteran, or a surviving spouse of a veteran who served at least one day during wartime (as set by Congress) for at least 90 days, and received something other than a dishonorable discharge. The benefit, particularly the Aid and Attendance benefit, replaces some income that the veteran or surviving spouse is spending on unreimbursed medical expenses. Furthermore, there is a limit on assets or net worth since the VA assumes that if the veteran or his surviving spouse has sufficient assets to take care for himself or herself, then the VA should not be providing money to the veteran or spouse. These proposed changes to the rules would presumably not apply to compensation, which are the benefits for those with a current injury/illness that is service connected.

The proposed rules would impose a 36 month “look back” period on transferred assets, even between spouses to the extent that assets exceed the new net worth limit which would be the maximum community spouse resource allowance permitted by Medicaid prevailing at the time the final rule is published, indexed for inflation. In 2015, the maximum allowance is \$119,220. For those who dispose of excess assets in order to qualify for VA benefits, there will be a penalty period of up to 10 years based upon the total assets transferred during the “look back” period that exceed the net worth calculation. The penalty period would begin on the first day of the month that follows the last asset transfer, and the divisor would be the applicable maximum annual pension rate in effect as of the date of the pension claim. If the VA mirrors Medicaid rules, this would mean that no pension monies would be paid during the penalty period. The net worth is determined by adding the claimant’s annual income to his or her assets. The primary residence would not be included as an asset unless it is sold and another residence is not purchased within one calendar year. Deductible medical expenses would be further clarified as well.

These new regulations seem to attempting to mirror Medicaid rules for a benefit that is not nearly as valuable as Medicaid. Moreover, it would seem that veterans earned the right to some assistance when they are older and ill by virtue of simply being veterans and having served our country. These rules are so restrictive, it would seem that few veterans or surviving spouses would qualify for what is a fairly low benefit (in 2015, the maximum surviving spouse benefit is \$1,149 per month and a veteran with one dependent/spouse is \$2,120 per month). Most claimants are trying to obtain assistance to pay for personal care/assisted living facilities, or for care in a State Veterans facility. If you are concerned about this consider contacting your U.S. Congressman or U.S. Senator to express your feeling on the proposed regulations. If accepted the new regulations could go into effect as early as July, 2015. [Source: Legal Ease | Kathleen Martin | Feb. 15, 2015 ++]

Franken, Walz Introduce Bipartisan Legislation to Help Tackle VA Backlog

Washington, DC [3/4/15] – Today, U.S. Sen. Al Franken (D-Minn.) and Rep. Tim Walz (D-Minn.) announced the re-introduction of the *Quicker Veterans Benefits Delivery Act of 2015*, a bipartisan, bicameral bill aimed at tackling the Department of Veterans Affairs (VA) benefit-claims backlog.

“We know that our veterans’ battles don’t always end when they return home,” said Sen. Franken. “Too many return with mental and physical disabilities incurred while protecting our freedoms. All they expect in return for their service is for our nation to keep its promises and get them the VA benefits they’ve earned. Our legislation would help the VA speed up the claims process that is making far too many veterans wait far too long to get help they need.” “After these brave men and women put their life on the line for us, the least we can do is ensure they are getting the benefits they have earned in a timely manner,” said Rep. Walz. “I

recognize this problem was not created, nor will it be solved, overnight, but we can and must do better. Our bipartisan legislation will enhance the VA's current efforts to break the backlog by helping them become more efficient, and will help veterans get the benefits—and the care—they deserve quicker.”

As identified by the VA, for a veteran to qualify as in the backlog, they must be waiting 125 days or more for the VA to process their claim. Currently, hundreds of thousands of veterans are in the VA benefits backlog. While the VA has taken steps to reduce the backlog, problems persist and there is still significant work that needs to be done to address the claims process and prevent future problems.

The Franken-Walz bill was written after engaging veterans and groups representing them at the local, state, and national level to determine where the current problem lies. While there is no silver bullet that will end the backlog overnight, the Franken-Walz legislation will go a long ways to cut through bureaucratic red tape for veterans and help them get the benefits and care they need.

The Franken-Walz legislation will accomplish this by allowing local doctors to conduct disability medical examinations for veterans. Currently, veterans must visit a VA facility for this examination. Allowing veterans to see a local doctor for their initial examination conserves VA resources, cuts back on long wait times at VA hospitals, enables quicker diagnoses of disabilities, and eliminates unnecessary trips to the VA for veterans in rural communities.

Additionally, the Franken-Walz legislation requires the VA to complete two reports:

- One report 180 days after passage to track the bill's implementation; and
- An annual report that tracks the most common reasons and disabilities for which claims submitted using evidence by local doctors were denied by the VA.

Sen. Franken's and Rep. Walz's goal with this legislation is simple: to uphold the promises our nation has made to our warriors.